

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FIRST INTERNET BANK OF INDIANA,

Plaintiff(s),

v.

CLAUDIU BARBONI, et al.,

Defendant(s).

Case No. 2:24-cv-01426-RFB-NJK

**ORDER**

This case was removed from state court on diversity grounds. Docket No. 1. Defendants represent that they are citizens of Nevada for diversity purposes. *See id.* at ¶ 12. Hence, the removal of this case was improper in that it violates the local defendant rule. 28 U.S.C. § 1441(b)(2) (“A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought”). Because this is a procedural defect, the plaintiff must raise it within 30 days to effectuate a remand. *See Lively v. Wild Oats Mrkts., Inc.*, 456 F.3d 933, 942 (9th Cir. 2006); *see also* 28 U.S.C. § 1447(c).<sup>1</sup> Accordingly, if Plaintiff seeks remand on this ground, it must seek that relief in prompt fashion in compliance with 28 U.S.C. § 1447(c).

IT IS SO ORDERED.

Dated: August 13, 2024

  
 Nancy J. Koppe  
 United States Magistrate Judge

<sup>1</sup> By contrast, *jurisdictional* defects may be addressed by the Court at any time. *See, e.g.*, Fed. R. Civ. P. 12(h)(3).